G. R. S. IX-5]

Previous references. 1923-4. S+A.

File No. S+A 121-2
Serial Nos. 166.

Later references.
S+A 114-34 (1-2).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Six

Part B for October 1926.

SUBJECT.

Petition from Rahimkhathu, daughter of Davar Khan of Sarjapur Jaghir Family, praying for the continuance of her father's pension.

Secy. to Govt. to Rahimkhathu, Hodisandra, Hoskote Tq.

No. PL 3120 dt 19th Oct: 1926

Informs that the Deputy Commissioner Bangalore has been directed to give her a Share of the pension

No. PL 3121 dt 19. X. 26

Forwards a copy of the above to the Deputy Commissioner Bangalore with a request that the Saravandar may be required to pay a Share to the petitioner.

No. PL 3122 dt 19. X 26

Forwards the Copy of the above for information.

G. R S. III-2]

General and Revenue Secretariat.

SHA File No. 121 of 19 23

Serial No.	
	Petition dt 12/5/24.
1	From Rahimakhathu daughter of ~~Gaffar~~ Dawar Khan of Sarjapur Jaghir Family praying for the continuance of her father's pension
	1) Draft submitted, forwarding the petn to the D.C. Bangalore for report.
	21/6/24
	Reminder No 946 dated 4/8/24
	" " 1646 dated 18.9.24
	" 2359 " 3.11.24
	" 3109 " 12.12.24
2	To D.C. Bangalore, No 7028 dt 24.6.24 Forwarding the petition for enquiry & report.
	From D.C. Bangalore, No 1201 dt 18.7.25. Forwarding the report on the enquiry of the petition of Rahima Khathu 2) On G.O. dt 29. xi. 1905, the Sarjapur Jaghir Pension of Rs. 13-1-5 drawn by late Dawar Khan was continued in the name of his son - Ismail Khan for the support of the family consisting of a widow. -

a

NOTE—Contn. sheet.

General and Revenue Secretariat.

S H A File No. 121 of 19 [illegible]

Serial No.

a son and two daughters.

3) It is reported that the petitioner Rahima Khathun & the Bavanandar Ismail Khan are the uterine sister and brothers born of the widow Jynab Khathun whose husband Davar Khan the former pensioner

4) The Bavanandar has agreed to the petitioner her share of pension after the death of his mother Some Seventy years old

5) As per Bavanandar the petitioner is the daughter of Davar Khan & sister of the Bavanandar & is entitled to 1/3 share of the pension according to Mahomedan Law

6) The Sanad for the pension is a hereditary grant given for the support of the family members & of such the petitioner is entitled for 1/3 share of the pension

7) Perhaps this may be referred to C.C. Leavett for opinion if

(Mutt to see)

[illegible]

NOTE—Contn. Sheet

Serial No.

C. 21.25 Land

1) The question involved is one of fact viz whether the petitioner is the daughter of the late pensioner Davar Khan.

There is conflicting version regarding given. The Mahazar shows that the late Davar Khan had 5 children of whom Ismail Khan & the petitioner are alive & that there is a grandchild Ayamathunnisa, a daughter of late Jabee to deceased daughter of Davar Khan. Ismail Khan denies the relationship of the petitioner says that she is his step sister. It is not safe to act on mahazars for appoint Shethumbs in treating petitions. In a Mahammedan family it is difficult to ascertain the exact relationship.

If the pension has to be treated as belonging to the family, the Govt will not be exonerated by payment to one who may not ultimately be found to be the sole heir of the deceased pensioner.

1) It is necessary therefore to ascertain whether the pension in question belonged to the family together it has to be distributed among the legal heirs of the last holder of the pension.

2) If these questions are answered in the affirmative, it is better to stop the payment of pension to Ismail Khan & refer him to the Court of Law for obtaining a succession certificate.

For Sec'y
with Compts.

8-8
17-8
[illegible]

NOTE—Contn. Sheet

General and Revenue Secretariat. | SH File No. 121 of 1923

Serial No

(13) For orders as to whether action may be taken as suggested by the Ld - Secy

Mr 18/2/25

Secy)

(14) Forwarded for favour of further advice.

The pension is for the benefit of the family

2. Not usual to refer Courts questions relating to rights to these pensions and they are settled only by the Executive Govt

~~It is possible to ask the petitioner to~~

3. The amount involved is small. If there is any procedure under which the District Mag may be required to enquire into and give a finding on the question of the Petr being the Sister of the Banawasi-dar or not and if Govt can act upon such finding with reasonable safety, it seems to be preferable to adopt such procedure

Mr 2/9/25

The Land Secy with compts

NOTE—Contn. Sheet

Serial No

15) As the pension is for the benefit of the family I presume that it ought to be distributed among the legal heirs of the Banawasis. If the matter is simple & can be it presents no difficulty. But when there is a conflict of interest among the contending parties, the executive govt finds it very difficult to ascertain with certainty the rightful heir.

16) There is no procedure under which the Sh. Staff can legally be asked to make an enquiry into the matter of finding out the rightful heir to a deceased person. The usual practice of setting up Mahazars is not sanctioned by any Law or rule known to force of law. It has been held by the Privy Council that Mahazars are no evidence of fact. It is therefore unsafe to Govt to act upon findings of fact based on Mahazars. In complicated cases like the present where the question of legitimacy etc arises, it may be safe for Govt to insist upon parties to produce succession certificate. as suggested in my note—

The Hon'ble Mr Compton

5 SEP 1925

8/9

B/C

NOTE—Contn. Sheet

Serial No

17 Ismail Khan is a pensioner of the Sarjapur family and is in receipt of stipend of Rs 13-1-5 per mensem. Rahim Kathu, the petitioner, represents that Ismail Khan has not been giving her her share of the family pension ever since her mother died.

18 ~~The~~ Her petition was referred to the Deputy Commissioner for enquiry and report. He states, on the testimony of a mahazar signed by some of the residents of Sarjapur, that Ismail Khan and Rahim Kathu are [redacted] brother and sister and that the latter is accordingly entitled to a share of the family pension. Ismail Khan, however, states that Rahim Kathu is only his step ~~xx~~ sister -- the issue of his mother by her first husband -- and that she is not, therefore, entitled to any share of the family stipend. This contention is not supported by the mahazar of the residents of Sarjapur.

19 The Local & Legislative Secretary to whom the case ~~had~~ been referred ~~to~~, states that it is not safe to rely upon mahazars in regard to the relationship of ~~the~~ members of a mohomedan family and that the petitioner Rahim Kathu may be required to produce a succession certificate in support of her claim to a share of the family stipend. I am not sure if political pensions can be considered as ordinary property, the title to which should be established before a Court of Law. At any

Serial No

any rate, claimants to these pensions have never been asked to go to Civil Courts so far. All along, the procedure has been for Government themselves to enquire into these claims and dispose of them on the reports obtained from local authorities. I do not think it therefore advisable to insist upon the production of a succession certificate in this case.

20 When the pension was registered in the name of the present barawardar Ismail Khan, it was intended for the benefit of the family which consisted then of his mother, himself and two sisters. One of these two sisters appears to be the present petitioner. As the connected file has been destroyed, this point cannot be verified without a reference to the Deputy Commissioner.

21 The petitioner represents that she was getting her share of the family stipend until her mother died. This also is a point on which some definite information has to be obtained by further reference to the Deputy Commissioner. If the petitioner was one of the two sisters of the barawardar at the time the pension was registered in his name and if, as contended by her, she was in receipt of a share of the pension until her mother died, or, was being maintained out of that pension until then, I do not think it is now open to the barawardar to contend that Rahim Kathu is not his sister; and on these grounds, his contention may be disallowed

Serial No

disallowed and a share of the pension given to the petitioner and registered separately in her own name in view of the strained relations between her and her brother.

22 A further reference may be made to the Deputy Commissioner to verify the two points referred to above.

Mudk 5/11/25

23 draft.

B 5/11

24 Draft Sd.

Mudk 11/11

25. Issue

B 13/4

6 days delay
I do not see
any reason
for delay
Sd

4. To the Dy: Com^r, Bangalore.
Letter No. H2659 Dt 14.11.26.
Calls for additional information in the matter
5 from the Dy: Com^r, Bangalore
Letter No. CB.1367 Dt 31-8-26
submits a further report with records

26. please see the Amildar's report dated 14/8/1926 - (Flag I). Ismail Khan, the opponent himself acknowledges now that Rahim Khatun is his own sister. There is thus no doubt on this point.

27 It is said that the pension was being utilized for the maintenance of the family prior to the death of the petitioner's mother & that the

Serial No.

petitioner was not getting her share separately vs. Subd with reference to Fin. Secy's order dated 5/11/1925 supra.

By 8/9 HK 8926.

29 The two points raised in the Financial Secretary's note above are -

(1) whether Rahim Khatu is the sister - (uterine) of Ismail Khan and (2) whether when the mother was alive she was getting her share separately as stated by her in her statement before the Amildar and referred to by the Deputy Commissioner in his letter dated 18-7-1925.

flag G.

flag R.

30 It is now seen that (1) is a fact.

31 In Ismail Khan's statement before the Amildar he tries to explain away his original statement that she was not the uterine sister and was step sister by alleging that at that time he was very much annoyed by her petition against hi This explanation is frivolous. He acknowledges nov that she is his own sister.

Z

32 Re.(2) the enquiry shows that no separate pension was being given to Rahim Khatu either during the mother's life time or afterwards.

33 The question is if any part of the pension and if so, what part is to be separately ~~required~~ registered in favour of Rahim Khatu. There are now besides Ismail Khan and Rahim Khatu another daughter of a deceased sister. The petitioners are ~~three~~ mahomedans and t

P.U.A (Jamal)

NOTE.- Contn.Sheet

Serial No

L & L Secretary may be consulted as to how the pension may be distributed.

B
23/9

Flag)

34) This is a hereditary allowance and the pet.r is entitled to a share in the family pension.

35) There is now no dispute as regards her being the lawful wife of the Baranavadan.

36) She is entitled to ½ the share of the pension. I think, under the Muslim Law & this may be registered in her name, the arrears being ~~to~~ directed to be paid from the date of her first application viz. 20th Nov.r 1923.

37) The separate registry would not be necessary if the pensioner agrees to give his wife her share of the pension.

38) The question of splitting up the pension further in favour of the daughter of the other wife does/does not arise.

2nd member
Hon L. L. Secy)

39) L
27.9.26

40) [illegible]
1/10.

41) Q.n of arrears need not be raised. The Baranavadan 2/10 -dan may be required to give his Sister ~~1/4th~~ x a share of the pension and he may be told that if he does not, her share will be separately registered in her name. An Endorsement to Pet.r may be given

Issue order
4/10

[illegible]
3/10/26

INANCIAL SECRETARY
2 OCT 1926

OFFICE OF THE SECOND MEMBER OF COUNCIL
2 OCT. 1926
No. 2547

FINANCIAL SECRETARY
2 OCT. 1926
No.

OCT. 1926
No. 326

NOTE Comm. Sheet

(605)

WD 01229—GPB—37,500—

App. F. II

General and Revenue Secretariat

S/A File No 121 of 1923.

Serial No.	
	42) Draft Subd. 25/10 43) Issued HK 8/10/26.
6	44) Endt No 7/3120 dt 19.10.26 - to Rahmi Khatu. informs her that the D.C. has been directed to give her a share of the pension. Memo No 3121 dt 19/10/26 — copy to D.C. with request that the Barawada may be required to pay a share to the pet.r — Memo No ~~1322~~ 3122 dt 19 10/26. copy to Comp.t for information

B/

NOTE- Contn.Sheet

4694

Re: pension due to Sarjapur Jaghir family Branch

Madi Venkatasandra
Hoskote Tk

121-23

Fin. Secy
with compliments
B.D

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 4694

General and Revenue Secretariat

(SA)

, *the* *191* .

Date of issue 24.6.24

Signed by Mr M. A. Bayadeh

Dewan

Section SA

File No. 12/12/23.

Serial No. 2

No. 71 7028 Encl

The accompanying petition No. 4694 dt. 12.5.24 received from Rahimun Khatun daughter of Gaffar Khan praying for the continuance of the Sanjeevi Jaghir pension drawn by her father is forwarded to Dt. Bangalore for favour of enquiry and early report.

B.O.

Dr. Secy

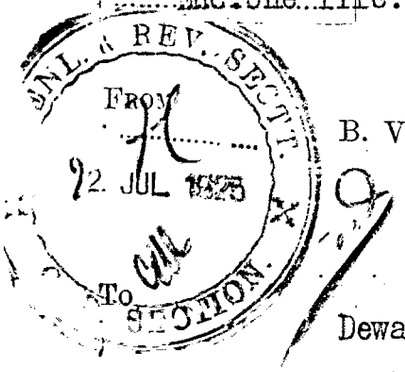
over.

Ans 20/6

03926

In all future correspondence please quote
No.C.3-H.C.1201/23-24.
.....Enc.one..file.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT,
Dated Bangalore, the.....18th July 1925.



From
B. VENKOBA RAO, ESQ., B.A.,
Deputy Commissioner,
Bangalore District.

322
23 24
S&A
126-23.

To
Dewan Bahadur, Rajakaryaprasakta,
M. N. Krishna Rao, Esq., B.A.,
Financial Secretary to the Government
of Mysore, BANGALORE.

SIR,

In continuation of this office letter No.H.C.1201 of 23-24 dated 24th June 1925 and with reference to your memorandum No.F.6716/S.&.A. dated 18th idem, re: the family pension of Rahim Khathu, I have the honor to submit herewith the entire file of records ending with Doddballapur Sub Division Officer's yadi No.C.H.134 of 24-25 dated 14th July 1925 and to state as follows:-

2. It is ascertained from the residents of Sarjapur, AnekalTaluk, that the petitioner Rahim Khathu and Ismail Khan who is now getting the pension, are uterine sister and brother born of Jynab Khathu, whose second husband was Davar Khan (not Gaffer Khan) who was the former ~~xxxxxx~~ pensioner.

It is stated in the Anekal Taluk Amildar's report that a pension of Rs.13-1-5 is drawn by Ismail Khan as per P.P.O.No.65.

3. Rahim Khathu, the petitioner states that the payment of her share of the pension which was being disbursed to her has been stopped by her brother Ismail Khan after the death of her mother about seven years ago and that she is entitled to 1/3rd portion of the said pension according to Mahomedan Law and that a separate stipendary order for her proportionate share in the pension may be granted to her accordingly.

4. Ismail Khan, however, denies that Rahim Khathu is his own sister and alleges that she is the daughter of his mother Jyanab Khathu by her first husband, but the mahazar goes to show that Rahim Khathu is his -

App.F.VI G1.J B650

SUBJECT

Diary No. of letter replied to 322

General and Revenue Secretariat
(S.H.A)
, the 192

Date of issue 14.11.25

Signed by Om B.S.B.

List of enclosures

V

Copied by

Examined by

Section S.H.A
File No. 121/23
Serial No. 4
No. H 2659/ Encl.

To The Deputy Commr,
Bandipore Dt

Sir,

With reference to your letter No C.3.HC. 1201/23 d 18.7.25 forwarding the report of enquiry on the petition of Rahim Khatun of Anjapur for her family regarding the non-payment of the share of pension by her father - Dowra Khan, I am directed to invite reference to your letter No 384 d 7.XI.1905 reporting that the survivors of Dowra Khan are his widow, son & two daughters & to verify from the above records whether

whether the petitioner Rahima

whether is one of the two daughters

referred to in your report.

2. Further the petitioner

represents that she was getting

her share of pension from

the Baramunder until the

death of her mother, I am

also to request you to

institute further enquiries into this

the matter & submit the report

at your early

fill of inform

3. The enclosures received

with your letter under reference

are returned herewith.

I to report if as contended by her she was in receipt of a share of the pension until her mother died or was being maintained out of that pension until then.

J. Howell

By
For H: Deine 18/4
Ist
11/4

11680

Office of the Deputy Commissioner,
Bangalore District,
Dated Bangalore, 31st August 1926.

No. C3-1367-25-2-1/26

From

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Financial Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

DIARY NO. 1003
1923 – 1924
Section. SSA
1/24/23

GEN. SECTT. BR. 17 SEP. 1926 G. D. SECTION.

With reference to your letter No.Fl.2659/S & A.121-23-4 dated 14th November 1925 regarding the payment of Sarjapur Jahagir Family Pension to RahimKathu, I have the honor to state that the Sub-Division officer, Dodballapur Sub-Division in submitting the records of enquiry received from the Amildar of Anekal Taluk, reports that the petitioner RahimKhathu one of the two daughters and her brother Ismail Khan are the only survivors of the family at present of the late Davarkhan and that the other daughter is reported to have since died leaving a daughter behind her, that IsmailKhan has stated that Rahim Kathu was not paid anything out of the pension received by him and that during his mother's life time his mother was said to have been utilizing the pension for the maintenance of the family.

2. It is further reported that Rahim Khathu was married about 2 years prior to her mother's death which occurred about 10 years ago, that Ismail Khan is protesting to pay his sister Rahim Khathu her share of the pension and arrears on the allegation that she had released her right for the jewels of the value of Rs.700/- presented to her by him during her marriage, and that his statement has been supported by three other persons viz.Abdul Hameed Khan, Kamruddin and Jeevanna Rao who, in their statements, have stated that until Rahim Kathu's marriage she was maintained by her mother from the said pensio

WD 0463—GPB—8,00,000—21-7-17—S.

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

pension, that Ismail Khan celebrated at his own expense, the marriage of RahimKhathu, his sister and that Rahim Kathu, his sister was not paid any portion of the pension by him till now

3. The Sub-Division Officer further reports that Rahim Khath preferred her claim for the first time on 30th November 1923, and presented a petition in which she mentions that pension was due to her ever since her mother's death. This is not qui consistent with para 2 of the letter under reply that she was getting her share of pension from the Barawardar until the death of her mother, which is not a fact as now disclosed in the enquiry.

4. The entire file of records received with Dodballapur Sub-Division Officer's letter No.A-2-516/23-24 dated 20th August 1926 is submitted herewith.

I have the honor to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Bangalore District.

No A-2-516 Cuelfile
28-24

Office of the Assistant Commissioner,
Dodballapur Sub Division,
Dated, Bangalore, the 19th August 1926.

From

C.Suryanarayana Sastri, Esq.,
Assistant Commissioner,
Dodballapur Sub Division.

C3-1367-25
Cu 8.26

(214) 25
24/8

To

B.Venkoba Rao, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

Sir,

With reference to your Memo No. C.3-1367-25 dated 4th February 1926 forwarding copy of letter No.Fl.2659/S & A 121-23-24 date 14th November 1925 from the Financial Secretary to Government in the matter of nonpayment of Rahim Khatu's share of pension by her brother Ismail Khan, one of the Sarjapur Jahgir Pensioners for report I have the honor to enclose herein the vernacular records of enquiry by the Amildar of Anekal Taluk received with his Itilla No. T.C.250 of 25-26 dated 14-8-26.

From the accounts of persons examined by the Amildar, the petitioner Rahim Khatu, one of the two daughters referred to in the said copy of letter and her brother Ismail Khan are the only survivors of the family, at present of the late Davarkhan. The other daughter is reported to have since died leaving a daughter behind her. Ismail Khan has stated that Rahim Khatu was not paid any thing out of the pension received by him. During his mother's life time his mother was said to have been using the pension for the maintenance of the family.

Rahim Khatu was married about 2 years prior to her mother's death which is said to have occurred about 10 years ago.

Ismail Khan is protesting to pay his sister Rahim Khatu her share of the pension and arrears on the allegation that she had released her right for the jewels of the value of Rs 700/- which were presented to her by him during her marriage. He has not tendered any documentary evidence to substantiate his assertion. Messrs. Abdul Hameed Khan and Kamaruddin Khan who are aged persons being 70 years

years old are said to know the petitioners family well, stated that until Rahim Khatu's marriage she was maintained by her mother from the said pension and that Ismail Khan celebrated at his own expense the marriage of Rahim Khatu, his sister.

Jeevanna Rao of Buragakunte has stated that he, having been empowered by a power of Attorney was collecting the entire pension for the benefit of Ismail Khan until two years ago and that Rahim Khatu was not paid any portion of the pension by him till then.

The petitioner Rahim Khatu preferred her claim for the first time on 30th November 1923 and presented a petition in which she mentions that pension was due to her ever since her mother's death. This is not quite consistent with para 2 of the letter No.Fl.2659/S&A 121-23-24 dated 14th November 1925 from the Financial Secretary, that she was getting her share of pension from the barawardar until the death of her mother which is not a fact.

I have the honor to be,

S i r,

Your most obedient servant,

Assistant Commissioner,
Dodballapur Sub Division.

APP. F. VI. Gl.]

SUBJECT.....

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Section SM

File No. 121-23.

Serial No. 6.

No. H 3120

~~Endorsement~~ ఇంద్రాన్ని చేయండి

To

Diary No. of letter replied to..... 1603

General and Revenue Secretariat

(H)

the 192

Date of issue..... 19.10.26

Signed by..... for B.S.R.

List of enclosures.....

Copied by.....

Examined by.....

[illegible]

over

B.O.

19/10/26

P.J.O for Genl-Sec

Memo No. H 3121/ dated 19.10.26

Copy of the foregoing is forwarded with compts. to the Dy: Com^{r}: Bangalore D with reference to the correspondence ending with his letter No. C3. 1367 dated 31.8.1926. The Barawardar may be required to give his sister a share of the pension and he may be told that if he does not, her share will be separately registered in her name. The file of papers received with his letter is herewith returned.

Bo.

for Genl. Secy.

H 3122/ dated 19.10.26

Copy with compts. to the Comp^{r}: to Govt for information

Bo.

for Genl. Sec^{y}

B.T. 5/10

G. R. S. 58]

Previous references.

cs-136-13(1-2)B.

1914.15

(Court)

File No. 148-14

Serial Nos. 1-2

Later references.

cs 146-15(1-2)

" 150-16(1-2)

Dcshm
1 Apr 1968/14

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 2

Part B for Dec '14

SUBJECT.

Civil Court holidays during 1915.

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1. From The Regr Chf Cs 2066 of 9/10/11/14.
Forwards for the approval of Govt a draft notifying the holidays to be observed during the year 1915 & states that the necessary addition regarding the annual recess will be made after it's return.

2. To The Same Office J 1703 of 5/12/14
Approves the list of holidays with remarks.

GPB—5,000—22-10-10

M. Ghani
5. 1. 15.